

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

**FILED**  
APR 30 2008  
CLERK OF COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

The Honorable Claudia Wilken, Presiding  
Clerk: Sheilah Cahill  
Court Reporter: Starr Wilson, pro tem  
Date: 4/30/08

**Plaintiff:** United States

**v.**

**No.** CR-07-00793 CW  
CR-00-40120 CW

**Defendant:** Jose Jesus Martinez (present - in custody)

**Appearances for Plaintiff:**  
Dan Kaleba

**Appearances for Defendant:**  
Chris Cannon

**Interpreter:**  
not needed

**Probation Officer:**  
Connie Cook for Robert Tenney

**Hearing: Change of Plea**

**Notes:** Defendant enters under oath Rule 11(c)(1)(A) and (C) plea of guilty to Counts 4 and 5 of the indictment charging in Count 4 possession with intent to distribute cocaine base ("crack" cocaine), a Schedule I controlled substance in violation of 21 USC 841(a)(1) and 841(b)(1)(B)(iii), and in Count 5 possession with intent to distribute heroin, a Schedule I controlled substance in violation of 21 U.S.C. 841(a)(1) and 843(b)(1)(C). Defendant admits to charge one of the Form 12 supervised release violation and waives his right to a hearing on that charge. Plea Agreement filed. Court finds factual basis for plea; Court accepts plea. PSR requested. **Sentencing set for 7/23/08 at 2:00 p.m.** ✓ P/O can address supervised release violation in PSR; Court does not need separate report.

Copies to: Chambers; probation